BILL NO. 21

Government Bill

1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006

An Act Respecting the Administration of Justice

CHAPTER 15
ACTS OF 2006

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 23, 2006

The Honourable Murray K. Scott
Minister of Justice

Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly

2007-02990/

An Act Respecting the Administration of Justice

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Justice Administration Amendment (2006) Act*.

PART I

ASSESSMENT ACT

2 Subsection 20(3) of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, is amended by adding "or if sent via an internet-based procedure prescribed by the Director addressed to the person at the last electronic address known to the assessor" **immediately after "assessor" in the third line.**

3 (1) Subsection 68A(2) of Chapter 23, as enacted by Chapter 9 of the Acts of 2000, is amended by striking out "any amended notice or" in the first line and substituting "the".

(2) Subsection 68A(3) of Chapter 23, as enacted by Chapter 9 of the Acts of 2000, is amended by striking out "an amendment is made or" in the first line.

4 (1) Subsection 94(1) of Chapter 23 is amended by

(a) adding "(application *inter partes*)" **immediately after "notice" in the second line; and**

(b) striking out "or to the county court" in the third line.

(2) Subsection 94(2) of Chapter 23 is amended by adding "(application *inter partes*)" **immediately after "notice" in the first line.**

(3) Subsection 94(3) of Chapter 23 is amended by adding "(application *inter partes*)" **immediately after "notice" in the first line.**

(4) Subsection 94(4) of Chapter 23 is amended by striking out "or of the county court" **in the second line.**

(5) Subsection 94(5) of Chapter 23 is amended by adding "(application *inter partes*)" **immediately after "notice" in the first line.**

5 Section 96 of Chapter 23 is amended by striking out "or by a county court" in the second and third lines.

6 Section 171 of Chapter 23 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) Notwithstanding subsection (1), the Director, or the Director's successors or assigns, may destroy any assessment roll, rate book, warrant or other book, document or paper prepared under the authority of this Act pursuant to the *Government Records Act* or the *Public Archives Act*.

PART II

ENFORCEMENT OF COURT ORDERS ACT

7 (1) Subsection 3(2) of Chapter 40 of the Acts of 2005, the *Enforcement of Court Orders Act*, is amended by striking out "until the Registrar has received confirmation of payment pursuant to subsection (5)" in the fifth and sixth lines.

(2) Subsection 3(4) of Chapter 40 is amended by

(a) adding "and subject to the regulations" **immediately after "*Act*" in the second line; and**

(b) striking out "until the Registrar has received confirmation of payment pursuant to subsection (5)" in the third and fourth lines.

8 Clause 4(1)(a) of Chapter 40 is amended by adding ", (4)" **immediately after "(3)".**

PART III

LAND REGISTRATION ACT

9 Subsection 37(4) of Chapter 6 of the Acts of 2001, the *Land Registration Act*, as amended by Chapter 19 of the Acts of 2002 and Chapter 38 of the Acts of 2004, is further amended by

(a) striking out "the abstract of title required by clause (c)" in the last line of clause (b) and substituting "an abstract of title"**; and**

(b) striking out clause (c).

10 Subsection 46(3) of Chapter 6, as amended by Chapter 19 of the Acts of 2002 and Chapter 38 of the Acts of 2004, is further amended by adding immediately after clause (ad) the following clause:

(ae) that involves a piece of land that is not registered and that is being created as a parcel under the subdivision provisions of Part IX of the *Municipal Government Act* solely for the purpose of consolidation with an abutting parcel that is not registered;

PART IV

LAND TITLES CLARIFICATION ACT

11 The title to Chapter 250 of the Revised Statutes, 1989, the *Land Titles Clarification Act*, is amended by striking out "in Communities within Municipalities".

12 Section 2 of Chapter 250 is repealed and the following Section substituted:

2 In this Act, "Minister" means the Minister of Natural Resources.

13 Chapter 250 is further amended immediately by adding after Section 2A the following headings and Section:

PART I

LAND TITLES CLARIFICATION AREAS

2B In this Part,

(a) "certificate of claim" means a certificate of claim issued by the Minister under this Part;

(b) "certificate of revocation" means a certificate of revocation filed by the Minister under this Part;

(c) "certificate of title" means a certificate of title granted by the Minister under this Part;

(d) "municipality" means a regional municipality or a municipality of a county or district.

14 Chapter 250 is further amended by adding immediately after Section 9 the following headings and Sections:

PART II

UNGRANTED LAND

10 The purpose of this Part is to

(a) facilitate the economic and efficient reconciliation of the Crown's interest in certain ungranted land;

(b) permit the Crown to release its interest in certain ungranted land; and

(c) provide clarity in respect of Crown interests in ungranted land.

11 In this Part,

(a) "acknowledged Crown land" means land that has been surveyed, managed, confirmed through investigation or used historically by the public as Crown land;

(b) "certificate of release" means a certificate of release issued by the Minister under this Part;

(c) "Crown" means Her Majesty in right of the Province;

(d) "Crown land" means all or any part of land that is under the administration and control of the Minister;

(e) "current" means at the time this part comes into force;

(f) "ungranted land" means Crown land that has never been the subject of a grant transferring ownership from the Crown.

12 Nothing in this Part prejudices a person's right to make a claim or the Minister's power to issue a certificate under Section 37 of the *Crown Lands Act*.

13 (1) Notwithstanding Section 15 of the *Crown Lands Act*, where it appears to the Minister that it is desirable to reconcile the Crown's interest in certain ungranted land, the Minister may, with the approval of Governor in Council, issue a certificate of release to the effect that the Crown asserts no interest or claim to that land and upon issuance of the certificate, all interest or claim of the Crown to that land ceases.

(2) In determining whether it is desirable to reconcile the Crown's interest pursuant to this Section, the Minister shall consider the nature and extent of the current and historical usage of the land.

(3) A certificate of release must be filed in the registry of deeds for the registration district or districts in which the land therein described is situate.

(4) A plan of the area as described in the certificate of release must be filed with the certificate in the registry of deeds in the registration district or districts in which the land therein described is situate.

14 No certificate of release may be issued with respect to acknowledged Crown land, land that exhibits no current or historical usage or land that is not included in a deed containing a warranty as to title.

15 (1) The Governor in Council may make regulations

(a) respecting the form of and information to be contained in a certificate of release and plan;

(b) prescribing guidelines for determining whether it is desirable to reconcile the Crown's interest in land;

(c) defining any word or expression used in this Part and not defined in this Part;

(d) respecting any other matter the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

PART V

PUBLIC ARCHIVES ACT

15 Subsection 23(1) of Chapter 24 of the Acts of 1998, the *Public Archives Act*, is repealed and the following subsection substituted:

23 (1) The Governor in Council may make regulations

(a) respecting fees;

(b) defining any word or expression used but not defined in this Act; and

(c) respecting any matter the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

PART VI

VITAL STATISTICS ACT

16 Section 31 of Chapter 494 of the Revised Statutes, 1989, the *Vital Statistics Act*, as enacted by Chapter 8 of the Acts of 1998, is amended by striking out "Governor in Council" in the first line and substituting "Registrar"**.**

17 Subsection 35(1) of Chapter 494 is amended by

(a) striking out "and" at the end of clause (c);

(b) striking out the period at the end of clause (d) and substituting "; and**"; and**

(c) adding immediately after clause (d) the following clause:

(e) evaluate requests for access to information from the Office of the Registrar and, where the Registrar is satisfied that the request is not for an unlawful purpose, may authorize the release in accordance with any conditions the Registrar may prescribe.

18 Chapter 494 is further amended by adding immediately after Section 45 the following Section:

45A Where records made pursuant to this Act have been transferred to the Public Archives of Nova Scotia, the Provincial Archivist may, notwithstanding any other enactment, upon being satisfied that access to the records is being requested for the purpose of valid historical or genealogical research, authorize access to records that are, at the time of the access,

(a) birth registrations for births that occurred more than one hundred years before that time;

(b) marriage registrations for marriages that occurred more than seventy-five years before that time; or

(c) death registrations for deaths that occurred more than fifty years before that time.

19 Clause 51(1)(e) of Chapter 494 is repealed

PART VII

COMING INTO FORCE

20 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.